IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 27629 of 2003(L)

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PETITIONER:

V.P.E.ABDULLA HAJI, S/O. USSANKUTTY,
AGED 74 YEARS, VELUTHAPARAMBATH HOUSE,
P.O. KADAVATHUR, KANNUR DISTRICT.

BY ADV. SRI.R.SURENDRAN

RESPONDENTS:

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1. THE ASSISTANT ENGINEER,
ELECTRICAL MAJOR SECTION OFFICE, KERALA STATE
ELECTRICITY BOARD, CHOKLI, KANNUR DISTRICT.

2. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVAN,
THIRUVANANTHAPURAM.

3. THE EXECUTIVE ENGINEER,
K.S.E.B. DIVISIONAL OFFICE, THALASSERY.

BY ADV. SRI.C.C.THOMAS, SC, K.S.E.B
SRI.P.SANTHALINGAM, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 27629/2003

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF SSI REGISTRATION CERTIFICATE DATED 12/12/90.

P2 : COPY OF ELECTRICITY BILL DATED 26/06/02.

P3 : COPY OF ELECTRICITY BILL DATED NIL FOR JULY 2002.

P4 : COPY OF ELECTRICITY BILL DATED NIL FOR AUGUST 2002.

P5 : COPY OF ELECTRICITY BILL DATED 12/09/2002.

P6 : COPY OF ELECTRICITY BILL DATED 16/10/2002.

P7 : COPY OF ELECTRICITY BILL DATED 11/11/2002.

P8 : COPY OF ELECTRICITY BILL DATED 11/12/2002.

P9 : COPY OF ELECTRICITY BILL DATED 10/01/2003.

P10 : COPY OF ELECTRICITY BILL DATED 10/02/2003.

P11 : COPY OF PROTEST LETTER DATED 28/02/2003 ISSUED BY THE PETITIONER.

P12 : COPY OF ELECTRICITY BILL DATED 07/03/2003 ISSUED BY THE RESPONDENT NO. 1 TO THE petitioner.

P13 : COPY OF COVERING LETTER DATED 14/03/2003.

P14 : COPY OF LAWYER NOTICE DATED 18/03/2003 ISSUED TO RESPONDENT NO.1.

P15 : COPY OF APPEAL MEMO FILED BEFORE RESPONDENT NO.3 DATED 28/03/2003.

P16 : COPY OF JUDGMENT DATED 02/04/2003 IN OP NO. 10528/2003 on the FILE OF HIGH COURT OF KERALA.

P17 : COPY OF ORDER IN APPEAL DATED 13/08/2003 PASSED BY RESPONDENT NO.3.

P18 : COPY OF CONSUMER'S PERSONAL DEPOSIT REGISTERS FOR THE PERIOD FROM APRIL 1992 TO 05/08/1994.

P19 : COPY OF CONSUMER'S PERSONAL DEPOSIT REGISTERS FOR THE PERIOD FROM SEPTEMBER 1997 TO DECEMBER 2002.

P20 : COPY OF CONSUMER'S PERSONAL DEPOSIT REGISTERS FOR THE PERIOD FROM JANUARY 2003 TO JULY 2003.

P21 : COPY OF PAGE NO.22 OF METER CHANGING REGISTER.

RESPONDENT'S EXHIBITS

R1(a) : COPY OF THE LETTER NO.AP 492 DATED 03/07/01 ISSUED BY ASST. ENGINEER, ELE. DIVISION, TELLICHERRY.

R1(b) : COPY OF THE RECEIPT NO.135 DATED 03/01/01 ISSUED BY KSE BOARD.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 27629 of 2003

Dated, this the 28th day of November, 2007

J U D G M E N T

Petitioner is challenging Ext.P17 order in appeal confirming the disputed electricity bill. Admittedly, additional bill is raised on the ground that multiplication factor of the meter was not applied in original bill. It is conceded that multiplication factor was 20 and bill was raised just based on reading without multiplying the displayed reading with 20. If the claim of the Electricity Board is correct, bill cannot be disputed by the petitioner, as original bills were raised under mistake.

2. Petitioner himself has produced Ext.P21 register pertaining to issue of new meter to the petitioner on 03/07/2001. However, petitioner's case is that there is a correction in the meter number and therefore it is a manipulation by the Kerala State Electricity Board. According to the petitioner, new meter was installed only in January 2003 and therefore revised bills should be raised only for the period subsequent to January 2003. Learned standing counsel produced original register for supply and installation of new meter in petitioner's premises, which shows that meter is installed on 03/07/2001, as shown in the Ext.P21 register

produced by the petitioner. Petitioner's case that the correction is deliberate can be accepted only if another meter was installed in petitioner's premises on 03/07/2001 and was substituted by the present meter. Petitioner has not produced any document pertaining to installation of such a meter on 03/07/2001. Ext.P21 register contains consumer number, meter number, make of meter etc. with date of installation. Even though petitioner simply made a statement that another meter was installed on 03/07/2001, petitioner did not furnish any particulars pertaining to the same and no register is produced. In the absence of any proof about installation of new meter in petitioner's premises on 03/07/2001 and substitution of the same with present meter in January 2003, I am unable to accept petitioner's claim that present meter was not installed on 03/07/2001 as shown in the register. Moreover, Ext.R1(b) also shows receipt of payment made for replacing the meter on 03/07/2001. Petitioner has no document to prove further change of meter in January 2003 as claimed by him. Above all, the power bills raised for the industry during the disputed period is very low which shows that the actual consumption is not what is billed and the same is on account of non-application of multiplication

factor in the meter.

3. Even though petitioner has pointed out differences entered in meter reading register and Exts.P2 and P9 bills, the respondents have explained the same in paragraphs 4 & 5 of the additional affidavit filed, that 5% of the power consumption is added to the power load and charged at lower rate after granting reduction in the bill for lighting charges. Therefore, I do not find any bona fides in the challenge against the disputed bill, which is confirmed in appeal. This writ petition is, therefore, dismissed.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg